

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Energy Assistance Act is amended by changing
5 Section 13 as follows:

6 (305 ILCS 20/13)

7 (Section scheduled to be repealed on December 31, 2018)

8 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

9 (a) The Supplemental Low-Income Energy Assistance Fund is
10 hereby created as a special fund in the State Treasury. The
11 Supplemental Low-Income Energy Assistance Fund is authorized
12 to receive moneys from voluntary donations from individuals,
13 foundations, corporations, and other sources, moneys received
14 pursuant to Section 17, and, by statutory deposit, the moneys
15 collected pursuant to this Section. The Fund is also authorized
16 to receive voluntary donations from individuals, foundations,
17 corporations, and other sources, as well as contributions made
18 in accordance with Section 507MM of the Illinois Income Tax
19 Act. Subject to appropriation, the Department shall use moneys
20 from the Supplemental Low-Income Energy Assistance Fund for
21 payments to electric or gas public utilities, municipal
22 electric or gas utilities, and electric cooperatives on behalf
23 of their customers who are participants in the program

1 authorized by Sections 4 and 18 of this Act, for the provision
2 of weatherization services and for administration of the
3 Supplemental Low-Income Energy Assistance Fund. The yearly
4 expenditures for weatherization may not exceed 10% of the
5 amount collected during the year pursuant to this Section,
6 except that amounts in excess of 10% collected in a given year
7 may be expended from the Fund if they represent funds from
8 previous years or if they represent amounts deposited into the
9 Fund from the Energy Efficiency Portfolio Program. The yearly
10 administrative expenses of the Supplemental Low-Income Energy
11 Assistance Fund may not exceed 10% of the amount collected
12 during that year pursuant to this Section, except when unspent
13 funds from the Supplemental Low-Income Energy Assistance Fund
14 are reallocated from a previous year; up to 10% of those
15 reallocated funds may be spent in the year they are
16 reallocated.

17 (b) Notwithstanding the provisions of Section 16-111 of the
18 Public Utilities Act but subject to subsection (k) of this
19 Section, each public utility, electric cooperative, as defined
20 in Section 3.4 of the Electric Supplier Act, and municipal
21 utility, as referenced in Section 3-105 of the Public Utilities
22 Act, that is engaged in the delivery of electricity or the
23 distribution of natural gas within the State of Illinois shall,
24 effective January 1, 1998, assess each of its customer accounts
25 a monthly Energy Assistance Charge for the Supplemental
26 Low-Income Energy Assistance Fund. The delivering public

1 utility, municipal electric or gas utility, or electric or gas
2 cooperative for a self-assessing purchaser remains subject to
3 the collection of the fee imposed by this Section. The monthly
4 charge shall be as follows:

5 (1) \$0.48 per month on each account for residential
6 electric service;

7 (2) \$0.48 per month on each account for residential gas
8 service;

9 (3) \$4.80 per month on each account for non-residential
10 electric service which had less than 10 megawatts of peak
11 demand during the previous calendar year;

12 (4) \$4.80 per month on each account for non-residential
13 gas service which had distributed to it less than 4,000,000
14 therms of gas during the previous calendar year;

15 (5) \$360 per month on each account for non-residential
16 electric service which had 10 megawatts or greater of peak
17 demand during the previous calendar year; and

18 (6) \$360 per month on each account for non-residential
19 gas service which had 4,000,000 or more therms of gas
20 distributed to it during the previous calendar year.

21 The incremental change to such charges imposed by this
22 amendatory Act of the 96th General Assembly shall not (i) be
23 used for any purpose other than to directly assist customers
24 and (ii) be applicable to utilities serving less than 100,000
25 customers in Illinois on January 1, 2009.

26 In addition, electric and gas utilities have committed, and

1 shall contribute, a one-time payment of \$22 million to the
2 Fund, within 10 days after the effective date of the tariffs
3 established pursuant to Sections 16-111.8 and 19-145 of the
4 Public Utilities Act to be used for the Department's cost of
5 implementing the programs described in Section 18 of this
6 amendatory Act of the 96th General Assembly, the Arrearage
7 Reduction Program described in Section 18, and the programs
8 described in Section 8-105 of the Public Utilities Act. If a
9 utility elects not to file a rider within 90 days after the
10 effective date of this amendatory Act of the 96th General
11 Assembly, then the contribution from such utility shall be made
12 no later than February 1, 2010.

13 (c) For purposes of this Section:

14 (1) "residential electric service" means electric
15 utility service for household purposes delivered to a
16 dwelling of 2 or fewer units which is billed under a
17 residential rate, or electric utility service for
18 household purposes delivered to a dwelling unit or units
19 which is billed under a residential rate and is registered
20 by a separate meter for each dwelling unit;

21 (2) "residential gas service" means gas utility
22 service for household purposes distributed to a dwelling of
23 2 or fewer units which is billed under a residential rate,
24 or gas utility service for household purposes distributed
25 to a dwelling unit or units which is billed under a
26 residential rate and is registered by a separate meter for

1 each dwelling unit;

2 (3) "non-residential electric service" means electric
3 utility service which is not residential electric service;
4 and

5 (4) "non-residential gas service" means gas utility
6 service which is not residential gas service.

7 (d) Within 30 days after the effective date of this
8 amendatory Act of the 96th General Assembly, each public
9 utility engaged in the delivery of electricity or the
10 distribution of natural gas shall file with the Illinois
11 Commerce Commission tariffs incorporating the Energy
12 Assistance Charge in other charges stated in such tariffs,
13 which shall become effective no later than the beginning of the
14 first billing cycle following such filing.

15 (e) The Energy Assistance Charge assessed by electric and
16 gas public utilities shall be considered a charge for public
17 utility service.

18 (f) By the 20th day of the month following the month in
19 which the charges imposed by the Section were collected, each
20 public utility, municipal utility, and electric cooperative
21 shall remit to the Department of Revenue all moneys received as
22 payment of the Energy Assistance Charge on a return prescribed
23 and furnished by the Department of Revenue showing such
24 information as the Department of Revenue may reasonably
25 require; provided, however, that a utility offering an
26 Arrearage Reduction Program pursuant to Section 18 of this Act

1 shall be entitled to net those amounts necessary to fund and
2 recover the costs of such Program as authorized by that Section
3 that is no more than the incremental change in such Energy
4 Assistance Charge authorized by this amendatory Act of the 96th
5 General Assembly. If a customer makes a partial payment, a
6 public utility, municipal utility, or electric cooperative may
7 elect either: (i) to apply such partial payments first to
8 amounts owed to the utility or cooperative for its services and
9 then to payment for the Energy Assistance Charge or (ii) to
10 apply such partial payments on a pro-rata basis between amounts
11 owed to the utility or cooperative for its services and to
12 payment for the Energy Assistance Charge.

13 (g) The Department of Revenue shall deposit into the
14 Supplemental Low-Income Energy Assistance Fund all moneys
15 remitted to it in accordance with subsection (f) of this
16 Section; provided, however, that the amounts remitted by each
17 utility shall be used to provide assistance to that utility's
18 customers. The utilities shall coordinate with the Department
19 to establish an equitable and practical methodology for
20 implementing this subsection (g) beginning with the 2010
21 program year.

22 (h) On or before December 31, 2002, the Department shall
23 prepare a report for the General Assembly on the expenditure of
24 funds appropriated from the Low-Income Energy Assistance Block
25 Grant Fund for the program authorized under Section 4 of this
26 Act.

1 (i) The Department of Revenue may establish such rules as
2 it deems necessary to implement this Section.

3 (j) The Department of Commerce and Economic Opportunity may
4 establish such rules as it deems necessary to implement this
5 Section.

6 (k) The charges imposed by this Section shall only apply to
7 customers of municipal electric or gas utilities and electric
8 or gas cooperatives if the municipal electric or gas utility or
9 electric or gas cooperative makes an affirmative decision to
10 impose the charge. If a municipal electric or gas utility or an
11 electric cooperative makes an affirmative decision to impose
12 the charge provided by this Section, the municipal electric or
13 gas utility or electric cooperative shall inform the Department
14 of Revenue in writing of such decision when it begins to impose
15 the charge. If a municipal electric or gas utility or electric
16 or gas cooperative does not assess this charge, the Department
17 may not use funds from the Supplemental Low-Income Energy
18 Assistance Fund to provide benefits to its customers under the
19 program authorized by Section 4 of this Act.

20 In its use of federal funds under this Act, the Department
21 may not cause a disproportionate share of those federal funds
22 to benefit customers of systems which do not assess the charge
23 provided by this Section.

24 This Section is repealed effective December 31, 2018 unless
25 renewed by action of the General Assembly. The General Assembly
26 shall consider the results of the evaluations described in

1 Section 8 in its deliberations.

2 (Source: P.A. 98-429, eff. 8-16-13.)